

IN THE MATTER OF LICENSE NO. 356483, MERCHANT MARINER'S DOCUMENT NO.
Bk 134453 AND ALL OTHER SEAMAN'S DOCUMENTS

Issued to: Devereaux R. HILLIKER

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1575

Devereaux R. HILLIKER

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.30-1.

By order dated 26 January 1966, an Examiner of the United States Coast Guard at Portland, Oregon, suspended Appellant's seaman's documents for 4 months outright upon finding him guilty of misconduct. The specifications found proved allege that while serving as Second Assistant Engineer on board the United States SS ROBIN KIRK under authority of the document and license above described, on or about 15 and 16 December 1965, Appellant wrongfully failed to perform his duties, at Inchon, Korea, by reason of intoxication.

At the hearing, Appellant elected to act as his own counsel. Appellant entered a plea of not guilty to the charge and each specification.

The Investigating Officer introduced in evidence entries in the Official Log Book of ROBIN KIRK.

In defense, appellant made an unsworn statement.

At the end of the hearing, the Examiner rendered a decision in which he concluded that the charge and both specifications had been proved. The Examiner then entered an order suspending all documents issued to Appellant for a period of four months outright.

The entire decision order was served on 25 April 1966. Appeal was timely filed on 4 May 1966.

FINDINGS OF FACT

On 15 and 16 December 1965, Appellant was serving as Second Assistant Engineer on board the United States SS ROBIN KIRK and acting under authority of his license and document while the ship was in the port of Inchon, Korea. On both these dates he failed to perform his duties by reason of intoxication.

BASES OF APPEAL

This appeal has been taken from the order imposed by the Examiner. It is urged that the suspension is excessive for the offenses.

APPEARANCE: Appellant, pro se

OPINION

At the time of the offense involved here Appellant was on probation from a prior hearing. The order in this case includes three months' suspension from the earlier order.

For the instant offense only one additional months' suspension was ordered.

Failure to perform duties because of intoxication, by a licensed officer, is a serious offense. There appears no reason to disturb the order of the Examiner.

ORDER

The order of the Examiner dated at Portland, Oregon, on 26 January 1966, is AFFIRMED.

P. E. Trimble
Vice Admiral, United States Coast Guard
Acting Commandant

Signed at Washington, D. C., this 3rd day of August 1966.

INDEX (HILLIKER)

Examiner's Order
held not excessive